

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

<p>GREAT BOWERY, d/b/a TRUNK ARCHIVE</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BEST LITTLE SITES, d/b/a www.comicbookmovie.com; NATHAN BEST; MARK CASSIDY; JOSHUA WILDING; and DOES 1 through 10, inclusive,</p> <p style="text-align: center;">Defendants.</p>	<p>SCHEDULING ORDER</p> <p>Case No. 2:21-cv-00567-DBB-JCB</p> <p>District Judge David Barlow</p> <p>Magistrate Judge Jared C. Bennett</p>
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Pursuant to Fed. R. Civ. P. 16(b), the court received the Attorney Planning Meeting Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1.	PRELIMINARY MATTERS	DATE
	Nature of claims and any affirmative defenses:	
a.	Date the Rule 26(f)(1) conference was held?	07/05/22
b.	Have the parties submitted the Attorney Planning Meeting Report?	07/14/22
c.	Deadline for 26(a)(1) initial disclosures?	08/02/22
2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum number of depositions by Plaintiff:	4
b.	Maximum number of depositions by Defendants:	4
c.	Maximum number of hours for each deposition (unless extended by agreement of parties):	7
d.	Maximum interrogatories by any party to any party:	25

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| e. | Maximum requests for admissions by any party to any party: | 100 |
| f. | Maximum requests for production by any party to any party: | 75 |
| g. | The parties shall handle discovery of electronically stored information as follows: | |
| h. | The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Include provisions of agreement to obtain the benefit of Fed. R. Evid. 502(d).</i> | |
| i. | Last day to serve written discovery: | 01/20/23 |
| j. | Close of fact discovery: | 03/03/23 |
| k. | (optional) Final date for supplementation of disclosures and discovery under Rule 26(e): | 04/02/23 |
| 3. | AMENDMENT OF PLEADINGS/ADDING PARTIES¹ | DATE |
| a. | Last day to file Motion to Amend Pleadings: | 09/22/22 |
| b. | Last day to file Motion to Add Parties: | 09/22/22 |
| 4. | RULE 26(a)(2) EXPERT DISCLOSURES & REPORTS | DATE |
| | Disclosures (subject and identity of experts) | |
| a. | Party bearing burden of proof: | 03/31/23 |
| b. | Counter disclosures: | 04/28/23 |
| | Reports | |
| a. | Party(ies) bearing burden of proof: | 03/31/23 |
| b. | Counter reports: | 04/28/23 |
| 5. | OTHER DEADLINES | DATE |
| a. | Last day for expert discovery: | 05/26/23 |

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

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| b. | Deadline for filing dispositive or potentially dispositive motions: | 06/16/23 |
| c. | Deadline for filing partial or complete motions to exclude expert testimony: | 06/16/23 |
| d. | If the parties do not intend to file dispositive or potentially dispositive motions, a scheduling conference will be held for purposes of setting a trial date: on Wednesday, June 21, 2023, at 3:00 p.m. | |

6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
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| a. | Likely to request referral to a magistrate judge for settlement conference: | <u>Yes/No</u> |
| b. | Likely to request referral to court-annexed arbitration: | <u>Yes/No</u> |
| c. | Likely to request referral to court-annexed mediation: | <u>Yes/No</u> |
| d. | The parties will complete private mediation/arbitration by: | 11/18/22 |
| e. | Evaluate case for settlement/ADR on: | 11/18/22 |
| f. | Settlement probability: | Likely |

7.	TRIAL AND PREPARATION FOR TRIAL
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After the court issues an order on the summary judgment motion(s), if there is anything left to litigate, the court will set a scheduling hearing to set a trial date and to ask the parties if they want to mediate. If the schedule set forth herein is not extended, the parties can generally expect that trial will be set sometime during the first quarter of 2024.

8.	OTHER MATTERS
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Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

DATED July 19, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Jared C. Bennett", is written over a horizontal line.

JARED C. BENNETT
United States Magistrate Judge